

Philipstown Planning Board
Meeting Minutes
October 21, 2010

The Philipstown Planning Board held its regular monthly meeting on Thursday, October 21, 2010 at the VFW Hall on Kemble Avenue in Cold Spring, New York. The meeting was opened at 7:30 p.m. by the Chairman.

Present: Anthony Merante
Kim Conner
Josephine Doherty
Michael Gibbons
Michael Leonard
Kerry Meehan
Steve Gaba, Counsel
Ron Gainer, Planner
Absent: Pat Sexton

Public Hearing

Richard Timmons – Approval of three-lot Subdivision – 90 Route 301, Cold Spring: Revised materials/discussion

Mr. Noviello said that his recollection from the last meeting was that the Board's main concern was on the location of the driveway to the third house. He said that as the Board could see from the revised plan submitted, they have an alternate layout that shows the driveway for the third lot coming off of the existing driveway. Mr. Noviello said that there were a couple of minor changes he thought the Board wanted.

Mr. Leonard said that the existing grade on the existing driveway they wanted labeled.

Mr. Gainer said that were a few technical issues that had to be added to the plat and at the Board's direction, he prepared a Negative SEQRA Declaration and Approving Resolution that identified the technical concerns he had noted.

Mr. Gibbons said that he was delighted with the changes made and he thanked Mr. Noviello for cooperating with the Board.

Mr. Meehan asked if the Board received the latest memo from the CAC.

Mr. Merante said yes.

Ms. Doherty asked Mr. Noviello if he had seen their comments.

Mr. Noviello said no.

Ms. Doherty handed the memo to Mr. Noviello.

Mr. Merante said that the only thing he saw on the first paragraph was that a wetland permit may be required and he asked Mr. Gainer how that would be determined.

Mr. Gainer said that the way he would identify it is just to acknowledge if there's a wetlands permit that would be issued to the work in the very front, which is hopefully regulated as he understood it, and he's replacing the culvert on the existing drive. Mr. Gainer said that part of the permit conditions is to mandate that the Wetlands Inspector meet with the applicant's engineer and contractor, so it can be worked out at that time.

Mr. Noviello said that the culvert they're talking about replacing is through a drainage ditch for 301.

Mr. Gainer said they regulate both streams.

Mr. Merante asked if the public had any questions.

Mr. Bill Flaherty introduced himself, stated that he was a neighbor and said he was worried about what kind of impact the development would have on his property.

Mr. Noviello said that he thought Mr. Flaherty would see that the house is fairly ancient and not in good condition. He said that the owner plans on taking that house down and replacing it with three new houses spread out on the property, so they're hoping it would increase the value of his property.

Mr. Flaherty said that he would agree with that. He said that his concern was the driveway that runs along the property line.

Mr. Noviello said that's been changed. He pointed it out on the plan.

Mr. Gainer said so that Mr. Flaherty understood, that was a direct request of the Planning Board - to eliminate that driveway along the property line.

Mr. Flaherty said the other side of that was stupid things like in regard to snow removal and everything else, you had three driveways in a row and it would have been awkward, as well as headlights and noise. He said that the other thing is water quality issues. Mr. Flaherty said that he has to change the filter to his house every two weeks. He said that if the Board is following the water quality plans and stormwater acts and it doesn't affect our well, they're good. Mr. Flaherty said that he saw they did the perc tests and everything, so he was assuming the Board looked at everything.

Mr. Merante said no, that's under the purview of the Board of Health.

Mr. Flaherty said that as long as it works out, that's all he wants.

Ms. Doherty said that she was assuming there was some kind of a road maintenance agreement put in the approval Resolution.

Mr. Gainer said that if they looked at the second page of the Resolution – Item 2C, it suggests an agreement to the shared access.

Mr. Gaba said that it would actually address snow removal and maintenance and said that they have standard forms if Mr. Noviello wanted them.

Mr. Noviello asked Mr. Gaba if he would mail them to him.

Mr. Gibbons made a motion to close the public hearing. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Villetto Vaughn Hammond Corporation – Site plan approval – Route 9, Cold Spring: Revised materials/discussion

Mr. Watson said that they are seeking site plan approval to enlarge and convert an existing barn into a full-service restaurant with storage area above. In association with that restaurant, there will be an outdoor pavilion – basically a covered patio area that will be usable in the summer time for outdoor dining, two existing uses, a pre-existing multi-family residential building to the south of the property just off Lane Gate Road will continue and the commercial sales building, which is the hardware store at the intersection of Lane Gate Road and Route 9 will also continue. Mr. Watson said that the site plan calls for utilization of the existing curb cuts, which were put in by the State fifteen or so years ago. The parking is not well defined today. Mr. Watson said that they were going to utilize the existing parking area – a better definition by giving it wheel stops, but it would remain a gravel drive. He said that since the site inspection and the last revision, the Board had asked for certain changes in the plan and he thought they accomplished all but one of those things. They’ve added site lighting to the plan including details, they’ve added a sign to the plan including details, and they enhanced the landscaping plan, particularly with regard to the screening that was recommended between the existing residential structure and the enlarged barn/restaurant structure. Mr. Watson said that the thing that wasn’t on the plan that was submitted, because he forgot to do it...the Board asked that the stone wall behind the new parking be located. He said that they have located that and said it was on the plan and that one only. Mr. Watson said the proposed parking stayed just short of it by about three or four feet, so they can construct the parking without interfering with the stone wall and keep it behind the required setback line. He said that the circulation is from the northern curb cut, north of the hardware store into the site and parking around the back of the hardware store and out the southerly exit. Mr. Watson said that he believed one of the other things the Board had asked for were sight line measurements and they were submitted in the last

submission. Mr. Watson said that significant work has been done on the drainage system, where they called for the beginning of the system to put in a couple of bay savers – a device that's used to trap the stormwater running off of Lane Gate Road, capture the silt at a place where it can be easily handled and gotten rid of by the Town, and then let the water continue with much less silt in it, down to the existing culvert, which will be enhanced by the addition of a catch basin with a drainage system that will catch the initial (inaudible) water, carry it off to the side where it can be infiltrated and will lose more of its sediment as the water gets cleaner and the new manhole catch basin fills up, then the clean water will go out under Route 9 and into the wetlands. Mr. Watson said that the Board had a site plan and wetlands application and he believed a new report from the CAC that came out today. He said that he believed their primary recommendation was to handle the stormwater in a more effective matter than they had shown on the previous plans, and they have done that.

Mr. Gibbons commended Mr. Watson on the landscaping plan saying it was not just all white pines like they normally see. He said on the lighting he noticed everything was halogen lamps and maybe Mr. Watson would want to consider going to LED lamps. Mr. Gibbons said that his company does not deal with the LED's, so he's not crossing that boundary.

Mr. Watson asked Mr. Gibbons why it would be preferable.

Mr. Gibbons said that you end up with about 50,000 hour usage on a lamp versus two years and the power consumption drops by fifty percent.

Mr. Watson said that he would consider that.

Mr. Gibbons asked what they had for dumpsters, fencing for the dumpsters, correction of waste on oil, etc.

Mr. Villetto said that the dumpsters would be located in the back left hand corner (pointed out on plan). He said that they're making a passageway where the house property is and will have the garbage fenced in. He said that the trucks would be able to back right in with deliveries as well as the garbage. Mr. Villetto said that it would not be out in front of the building and would not be visible. He said that as far as any grease or any other collection, when they go to the Board of Health to get their permits for the kitchen, etc., they have to have grease traps and all the other things that go with it.

Ms. Doherty asked Mr. Watson to go over the sight line as to why it would not be preferable to switch the entrance and exit – to have the entrance on the southerly part of the property and have the exit on the northerly part of the property. She said that she was thinking particularly of someone coming out, making a left turn to go north. Ms. Doherty said that they would have a little bit more...because you have a curve.

Mr. Watson said that frankly, he thought very much about that in terms of that question, when they discovered they had sufficient sight distance to the south.

Ms. Doherty said that you would have more and there's curve in the road there.

Mr. Watson said right.

Ms. Doherty asked if it would be a problem to switch those.

Mr. Watson said that they could look at it one way or the other.

Mr. Villetto said that it's the only turnaround available to the school system in our district. Otherwise, they'd have to go maybe to Papa John's, which is worse yet. Mr. Villetto said the only way they can turn is on the southerly side of the building, go through, and then come back out again. He demonstrated on the plan. Mr. Villetto said that is why they left that as it was.

Mr. Gainer said that the sight distance study they presented on the plans does indicate that clearing must be done.

Mr. Watson said yes, within the right-of-way on the south side.

Mr. Merante asked Mr. Watson if that was shown on the schematic.

Mr. Watson said yes.

Ms. Doherty said, so the plan is that way essentially because of the school bus.

Mr. Watson said it was certainly one of the influences. He said that he thought it is the way people are used to using it too. Mr. Watson said that also, they didn't want to have a conflict between the residential units, and they thought there was less of a conflict. He said that they could certainly look at it and it wasn't a big problem in terms of technically turning it around if it makes better sense.

Ms. Doherty asked if it had to be one way. She said that you have the two curb cuts.

Mr. Watson said that what he thought would happen in there is that some of the parking area/the access lanes would have to be wider to accommodate two lanes of traffic and they don't want to do that. They want to keep the parking area to a minimum, and that, in fact, would give them a little problem with having the residential units crisscross in there.

Mr. Gibbons asked Mr. Watson to show what the circulation of the traffic would be.

Mr. Watson did so.

Mr. Gibbons said that he's been in this area for eighteen years, utilizing the hardware store and has come out of both sides, and the sight lines are really fine.

Ms. Doherty asked where he went from.

Mr. Gibbons said that he utilizes both sides of it depending on where he's going afterwards.

Ms. Doherty asked which exist he used if going north.

Mr. Gibbons said that it depends on what traffic is coming at him when he pulls in. He said that he sometimes uses the shorter side. Mr. Gibbons said that when he comes out on either side, he could go in either direction - it's not like Papa John's where you have the people going eighty miles per hour through there. He said that it is much safer.

Mr. Gainer said that there are some technical issues that have to be resolved and they've identified those in the draft Resolution.

Mr. Merante asked if the public had any comment.

Ms. Faye Thorpe introduced herself and stated that she and her husband live directly to the right of the building. She said that they built their house there in 1991 pretty far off of Route 9 for privacy and so that they didn't hear all the traffic on Route 9. She said that they were a little concerned with how this project would affect them. Ms. Thorpe asked Mr. Watson to go over the buffer and landscaping again.

Mr. Watson did so. He said that there is a stone wall that runs along the west side of the old road. Mr. Watson said that behind the stone wall is a pretty thick rows of existing trees. He said that the first bank of trees would not be disturbed at all. The proposed parking toward the Thorpe's property would be done within the old road bed or within close proximity to the road bed. Mr. Watson pointed out where there would be some clearing to accommodate a septic system, but said it would be pretty benign. Mr. Watson said that there wouldn't be any activity there. He said that behind the septic system and all of the dark green (pointed out) was basically undisturbed area, so all of the dark green will remain in its present condition. Mr. Watson said that the lighter green (pointed out) would see some clearing. He said that there won't be any activity there, but it would be cleared to put in the stormwater treatment facility. Mr. Watson said that there would be additional landscaping, which would buffer Route 9 and they anticipate that this (pointed out) would be sort of the overflow parking as opposed to the primary parking, which will be right directly in front. He said that the pavilion, which would probably be the largest noise producer in the summer, when people are eating in the evening, would be below the level of the land. Mr. Watson said that it would be immediately adjacent to the barn – roughly where the storage trailer is. He said that the barn, of course, would be enclosed.

Ms. Thorpe said that she did not believe that the trees existing there that separate the parking area and their residence would be enough to buffer any noise and suggested that maybe some pines be planted there. She said that there are trees there, but they are very sparse. Ms. Thorpe said that there are not really a whole lot there that would stop any

noise or even block the views. She said that she spent the whole summer looking out her front window at a port-a-jon.

Mr. Watson said that was not his perception when he stood there with the Wetlands Inspector and looked at that particular spot. He said that he was not on Ms. Thorpe's property looking out, so he was not in a position to argue about it, nor did he care to, but they have tried to minimize it. Mr. Watson said that they could look at some intermittent planting that would maybe provide some screening along the immediate property line within the existing coverage. He said that you'd need an awful lot of trees and whether they are pines, oaks or maples, they would not be very affective as a noise screen.

Ms. Thorpe asked what the usage was going to be for the restaurant and how many seats there would. She said that it was her understanding that there was also going to be music.

Mr. Villetto said that as of yet, they have no plans. He said that he did not know exactly how many seats, but thought they described how many seats would be available. He said that they have not addressed music or anything like that, but they have to go back in front of the Town to get a permit for music. Mr. Villetto said that they wouldn't mind having county western at some time, but they don't plan on having a bar or being open until 4:00 a.m. - they are just looking at a restaurant with a little bit of music.

Ms. Thorpe asked if Mr. Watson would also go through the lighting again, as she was not sure if the lights would be on and if they would shine right in her house.

Mr. Watson said that there are some offensive lights up there now that are just exposed glass that shine every which way. He said that they are all going to be removed in favor of downward directed low lighting that would provide enough lighting for walking and getting around the site after dark, but it would not be lit up like a shopping center.

Ms. Thorpe asked if there would be certain times it would go off and if it would be on a timer.

Mr. Gainer said that was a condition the Board would seek to impose. He said that any lighting not required for site security would be turned off when the restaurant use is not active.

Ms. Thorpe said that she guessed it was Board of Health approved already.

Mr. Watson said no it's not, but they've done the testing and are confident they'll get Board of Health approval.

Ms. Thorpe said that she was a little concerned about the septic system in relation to her well.

Mr. Watson said that they did look into that and they know that they have the required separation.

Mr. Merante asked Mr. Watson if he knew the actual location of their well.

Mr. Watson said yes, they have the as-built survey from the Health Department to make sure they didn't interfere with that.

Ms. Thorpe said that the area has always been really bad for drainage and the culverts that are there are always clogged up.

Mr. Watson said that has been historically a problem and frankly, within the last few months according to Mr. Chirico, it's been worsened because there had been a change in the characteristic of the drainage on Lane Gate Road. He said that the biggest problem is that the drainage comes down Lane Gate Road and either turns and goes in or when it can, it passes the driveway and turns and goes in here (pointed out on plan). Mr. Watson said that problem got worse because of the change in the characteristics on Lane Gate Road and because of the maintenance of the dirt road. He said you get those periods of time where the gravel is loose and gets washed away in a rain storm and that gets carried into the property. Mr. Watson said that the first thing they're going to do is put in some catch basins to catch that drainage and put into a bay saver – a device that separates out the sediment from the water and it will be put in at the beginning of the system so that the majority of the runoff will be captured and it can be taken out very easily by Town maintenance people. The Town will also get an easement that will allow it to carry its water over to the culvert that goes under Route 9. Mr. Watson said that they've done a little work to try to raise the grade a little, so that the water that ponds at the area just to the northeast of the barn doesn't become a real problem. He said that it generally sits there, soaks into the ground or maybe evaporates, or maybe some of it gets through that pipe, but it certainly is limited. Mr. Watson said that they are going to install a catch basin at the end of the pipe. That catch basin will empty first into a storage area in a treatment area where the first flush of water to reach it will go into the area under the old road, where it can be captured underground and let the sediments fall out so that they can be cleaned out periodically and then water will seep into the ground. Once that first flush of stormwater, which carries most of the sediment passes that manhole, the manhole will begin to fill up and will get to the point where the water will be cleaner because it already passed the worst part of the dirt, and it will then flow in – under the pipe under Route 9.

Ms. Thorpe said that all she asks is that they take into consideration their home and their privacy. She thanked the Board.

Mr. Mickey Deneher introduced himself. He thanked the Board for all the work they do and said that he looked at this as a chance to enhance the existing site. Mr. Deneher said that it is old and it really needs to be brought up. He said that he thought it would also make a better experience for the restaurant patrons, as it will be really nice. Mr. Deneher said that when he looks at it in the bigger picture, he believes the business will pick up and the Town will get more tax revenue, so it is sort of a win-win situation. He said that he hoped the Board would approve it.

Mr. Merante asked if the Board had any further comment.

The Board had no comment.

Mr. Gainer said that there are technical issues to be cleaned up on plan. He said that from what he heard on the public comment is that they asked the Board to enhance the landscaping to the north of the pavilion just to better screen the adjacent residence to the north. Mr. Gainer said that it is not currently shown. He said that it is a well landscaped site, but there is no specific landscaping identified in that area.

Mr. Merante asked the Board for comment.

Ms. Conner said that she thought that was a good idea.

Mr. Gaba asked to what extent the Board was interested in seeing the reversal of the entrance and exit addressed.

Ms. Doherty said that if it is really there to accommodate school buses and is helping, then no.

Mr. Gaba said so it's not a problem.

Ms. Doherty said no.

Mr. Gainer said that they are committed by the site plan drawings to do clearing within the right-of-way to improve sight distance to the south from that entrance.

Ms. Doherty made a motion to close the public hearing. Ms. Conner seconded the motion. The public hearing was closed. The voting was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Leiner, Francis & Corbett – Lot Line Adjustment – 103&109 East Mountain Road South, Cold Spring: Discussion

Ms. Conner recused herself from this application.

Mr. Watson said that the application is simply for a lot line adjustment to rotate the back line from an east/west line to a north/south line, making the Leiner property larger and making the Francis/Corbett property smaller. He said that one of the questions the Board had was whether or not this would present the opportunity for Mr. Leiner to subdivide his property in the future and he understood that they were shown at the site visit, a map that

basically showed that the property that Mr. Leiner is going to acquire is almost entirely wetlands and when you add the hundred foot buffer drawn to the north of the wetlands, you can basically see that that possibility is foreclosed. Mr. Watson said that the approval of this subdivision is for a lot line adjustment that will not result in any new structures or lots – it is simply to accommodate the owners’ desire. He said that frankly the desire articulated to him was just so that there would be direct access for Mr. Leiner through his own property into the State park, which is behind it.

Mr. Merante said that doesn’t include a driveway or anything across the wetlands.

Mr. Watson said no – just walking access.

Mr. Merante asked Mr. Gainer if he had any comment.

Mr. Gainer had no comment.

Mr. Merante asked Mr. Gaba if he had any comment.

Mr. Gaba had no comment.

Mr. Merante asked if anyone in the audience had any comment.

There was no comment.

Mr. Gibbons made a motion to close the public hearing. Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	Recused
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Ms. Conner joined the table again.

**The Berner Family – Approval of two-lot subdivision – Jaycox Road, Cold Spring:
Revised plans/discussion**

Mr. Watson said that the Berner family has a family compound, which is accessed off of Jaycox Road. He said that they wish to create a separate building lot at the northwest corner of the property along Jaycox Road. Mr. Watson said that when the Board reviewed it last month, they were concerned about sight lines. He said that they were absolutely correct – sight lines were not adequate at the place where they had originally located the driveway. In an effort to improve the sight lines and also reduce the amount of disturbance that might occur, they elected to take the driveway in, go through an existing driveway that he understood the Board saw when it made the site inspection,

through an easement that would be granted along with the lot when it was conveyed out of the family partnership. Mr. Watson said that there was a question as to whether or not there are wetlands on the site, and he believed the Board received a letter today from the CAC stating that there are no wetlands on the site.

Ms. Doherty asked if this was referred to the Highway Superintendent.

Mr. Gainer said that he had not presented it to him yet.

Ms. Doherty asked if being that it was a Town road, Mr. Gainer felt it was appropriate to have them comment.

Mr. Watson said that it is an existing driveway that is used sort of as a back entrance for maintenance vehicles to go in to service the pond. He said that they do use the road for maintenance of the property and it's pretty well opposite the driveway.

Mr. Merante said that normally, when they're putting a new driveway in, connecting the Town road, they've always given that to the Highway Superintendent.

Ms. Doherty said that she would just feel better if Highway looked at it.

Mr. Merante asked if anyone else had any comments.

There were no comments.

Mr. Merante asked that it be referred to the Highway Superintendent. He asked if the audience had any comment.

There was no comment.

Ms. Doherty made a motion to close the public hearing. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

**Garrison Land Holding Co. LLC – Approval of subdivision plat – Route 9D,
Garrison: Revised plans/discussion**

Mr. Watson said that as the public hearing stated, they're seeking a lot line adjustment for a total of 5.7 acres. He said that it's sort of the opposite of the Leiner public hearing. There's an existing flagged lot that comes back between the property of Riverview Properties and the property of Garrison Land Holding Co. to an open area in the back. Mr. Watson said that there is an existing driveway that services that lot. They intend to

extend that and put a house lower down on the property. He said that they are seeking to take the lot line, which essentially goes straight through from 9D to the railroad in an east/west direction, and take the last couple of hundred feet and bend it to the south so that the north lot will wrap around the west side of the southeast lot. Mr. Watson said that the driveway is serviceable, although it needs some repair. Just at the northeast corner of the back lot, there are some rills and ruts that need to be repaired. He said that their profile showed the Board the driveway is at 15% presently. The Board's engineer recommended that the driveway grade where it makes its transition down from the upper level to the lower level, be reduced to a maximum grade of 14%, which has been done on the recently submitted plans. Additionally, they have specified the installation of a guide rail along the downhill side of the road. Mr. Watson asked if the Board would continue this public hearing and not close it this evening and the reason for that was that the Board's referral to the CAC resulted in a change of the Wetland Inspector's mind with regard to the runoff from the little pond – they now consider that an intermittent stream and the intermittent stream will require a wetlands permit for the crossing that's necessary to reach the septic area. So they would have to submit to the Board and will do that within the next couple of days, an application for a wetlands permit. Mr. Watson said that he believed that because the primary action approving the subdivision requires a public hearing, the wetlands permit requires a public hearing, so he would ask the Board to direct the Clerk to re-advertise mentioning the application for the wetlands permit. He said that they have made minor changes with regard to the driveway grade besides coming down the hill, as Mr. Gainer had requested. They have added treatments to the water and driveway so that it would get into the stream. Mr. Watson said that at this point, the object is to get rid of the water actually as quickly as possible because it's so close to the river. He said that other than that, they've tried to conform the plan with the Board's recommendations and guidance.

Ms. Conner asked if the profile showed the entire driveway or only the part that exists.

Mr. Watson said that it shows the entire driveway.

Ms. Conner said all the way around to the circle at the bottom.

Mr. Watson said all the way around to Station 900.

Mr. Merante said when he said 15%, he was talking about the average of the steeper part.

Mr. Watson said that the average of the steeper part is actually now at 15% - the way it exists today. He said that they presented it without any change. Mr. Gainer recommended that it be brought down to 14%, so they have adjusted the grading on it.

Mr. Meehan asked what kind of material they were going to make the driveway and if he was going to pave it.

Mr. Watson said that he wouldn't be surprised if ultimately it was paved.

Mr. Meehan said you better put a car catcher down at the end of the driveway.

Mr. Watson said that his experience has been that a skim of ice over a gravel road is actually a worse situation than on the pavement, because the pavement will absorb the heat and get rid of the water and if the driveway is graded properly, it will shed water quickly.

Mr. Meehan asked where all the salt and runoff was going to go.

Mr. Watson said that it would probably go right into the river.

Mr. Leonard said, so the driveway going down won't have any stormwater issues - it's coming down with a slope toward there and dropping off toward the tracks.

Mr. Watson said it is being caught around here (pointed out) and putting into the stream here (pointed out).

Mr. Gibbons asked if with the 15 down to 14 percent, there was a widening of the road and a cut to make it (did not finish sentence).

Mr. Watson said that they have a ten foot single-lane driveway. It's probably a little narrower than that today, so he would say yes, but he couldn't remember.

Mr. Gibbons asked what the length of that additional...in going from 15 down to 14.

Mr. Watson said that the 15% grade begins at approximately Station 450 and it ends at approximately Station 750, so it's 300 feet maybe.

Mr. Gibbons said, and they will have drainage.

Mr. Watson said absolutely.

Mr. Merante asked Mr. Watson what the railing they're going to have there consisted of.

Mr. Watson said that it is a wood guide post.

Mr. Leonard asked if there was any kind of (inaudible) for vehicles going down, especially on the curve coming around.

Mr. Watson said that they could pull a 14% grade. He said that he did not believe that was a problem – there are lots of driveways that are well over 14%.

Mr. Merante asked if the Board had any further comment.

There was no further comment.

Mr. Merante asked if the audience had any further comment.

Mr. Eric Hine introduced himself and said that he was there to let the Board know that there is a BOH permit immediately to the north of the applicant's property line, so he would just like some consideration in terms of their future plans to build. He said that his intention was to build a house for them to retire in.

Mr. Merante asked Mr. Hine if he was in off the road – about parallel where that house is.

Mr. Hine said yes and pointed to the location where the septic system and well is supposed to go.

Mr. Merante asked if he could tell the Board approximately the distance between the well and septic.

Mr. Hine said that the septic system is thirty feet from the line.

Mr. Gainer said that the Board could just direct the applicant's representative to pick up the information and store it on the plan – even if it's going to be continued to November.

Mr. Richard Kelly of 29 Old Manitou Road, introduced himself. He said that the house that added on to the Chefalo house is a post-modern design with industrial lighting stripped across the front of it – very close to 9D. Mr. Kelly said that their house is above that on the other side of the road, so they face the strip of very harsh lights. He said that he was hoping that if the same person was involved in this, that somehow they modify their lighting.

Mr. Watson said that he knew for certain the same person was not involved.

Mr. Merante asked if the lighting was on the structures they were talking about on that lot.

Mr. Watson said no.

Mr. Merante said that the Board would continue this next month.

Local Law – “Putnam County Pathways” (referred from Town Clerk)

Mr. Gaba said that in addition to the Comprehensive Plan and their general policies as far as land development and zoning, the Town Board from time to time adopts additional policies, procedures, goals, etc., and this is one of those times. He said that this one's a little more complex. Mr. Gaba said that the Putnam County Pathways Greenway Plan Program is an overall program for development. It has a lot of proposals and the Town Board is including that as one of the Town's overall planning of land use policies. Mr. Gaba said that he couldn't comment on the specifics of the Greenway Program, as he's not familiar enough with it, but if it is something the Town Board wants to do, so be it.

Mr. Merante asked Mr. Gainer what the process on this was.

Mr. Gainer said that it is a draft local law that the Town Board is considering, so it is being referred to the Planning Board for comment. There is a statutory period to comment and they'll move it forward. Mr. Gainer said that they could issue a letter if there are any comments.

Mr. Merante asked if the Board had any comment.

Mr. Gibbons said that years ago, he was Chairman of the local Greenway, so he was familiar with how they work. He said that they do not dictate any policies - they give you a set of guidelines that they suggest. Mr. Gibbons said that it is really up to the community whether to accept them, and it's a case-by-case basis. He said that if you were to go to the Greenway today and ask for a grant to do the Comprehensive Plan, for a business opportunity in Town, or to get the trolley to expand its route, you'd get a \$7500 grant at the most. Mr. Gibbons said that once Putnam County becomes a contact where every village and community within Putnam County accepts this as a philosophy for growth, then the opportunity can go up to \$75,000.00. He said that he thought that was really the amazing aspect of it. Mr. Gibbons said that the Greenway itself primarily is to gain access to the Hudson River, promote businesses within the community and promote cooperation between town entities. He said that this is something where the Town can really get tenfold the amount of money on a grant.

Mr. Merante said that he guessed the Planning Board could send a letter to the Town Board saying they have no objections.

Ms. Doherty made a motion to authorize the Planning Board Chairman to sign a letter to the Town Board saying that they endorse it. Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Regular Meeting

Richard Timmons

Mr. Merante said that the Board closed the public hearing, had a Resolution adopting a Negative Declaration, and a letter from the CAC.

Mr. Gainer said that the short form EAF was filed at the request of the Planning Board and everything appeared to be in order.

Ms. Doherty made a motion to adopt the Negative Declaration (copy attached). Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Mr. Gainer said that with regard to the Resolution of Approval, the few technical issues that were discussed earlier – an easement agreement covering maintenance, are evidenced on the conditions of approval.

Mr. Leonard made a motion to approve the Resolution (copy attached). Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Gex – Realignment of property line – 24 Hummingbird Lane, Garrison: New submission

Mr. Ernie Martin introduced himself. He stated that the applicant currently owns two parcels of land off of Route 9 on a private common driveway known as Hummingbird Lane. He said that currently where she lives and where the existing house is, is on about a 2.9 acre parcel. Mr. Martin said that currently, the property line is here (pointed out), however they’ve had the wetlands flagged by a wetland biologist and the DEC regulated wetland limits is shown right here (pointed out). He said that the applicant would take the lawn, move it over, such that you would be able to put in a house, well and septic. Mr. Martin said that they are not subdividing the property - it is a property line re-alignment. He said that it was his understanding that this property was subdivided in the past.

Ms. Doherty asked what the name of the subdivision was.

Mr. Martin said that he did not have that off the top of his head.

Mr. Chris Marconi stated that Wiltonberg Harr was the name of the original subdivision. He said that it was originally done in about 1968. Mr. Marconi said that Harr owned lots four and five and in 2001, he moved the lot line back and created the smaller lot, but at the time he did that, it was still within the zoning for a buildable lot. He said that Ms. Gex would like to move the line back because of the zoning change where two acres were required and with the setback from the wetland, she would need to move the lot line back – closer to her existing house.

Mr. Gainer said that the Planning Board would like the applicant's representative to produce the original subdivision plat. He said that there's a lot line adjustment and if they had any record of that as to when it transpired, the Board would need to see that too. Mr. Gainer suggested the Board not set up a public hearing until it sees the documents.

Mr. Gaba said that they need a 239M referral and the Board should declare itself Lead Agency.

The Board agreed to schedule the site visit for November 7, 2010 at 9:30 a.m.

Mr. Meehan made a motion that the Board declare itself Lead Agency. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Ms. Doherty asked if this had gone to the CAC.

Mr. Gainer said that it has not, but it will go.

Mr. Martin asked if the applicant was encouraged to be at the site visit.

Mr. Merante said yes, he and his counselors are encouraged to go.

Mr. Gainer said, as is Mr. Martin.

Mr. Martin said that it is his understanding that the Town is currently considering a change to its zoning ordinance. He asked if by them making this submission, it stopped the clock as far as anything on this particular application.

Several Board members said no.

Ms. Conner said that she thought though, if they had a complete application (did not finish sentence).

Mr. Gaba said not even a complete application...he said that he did not think they'd be grand-fathered. He said that he would check. Mr. Gaba said that he thought you would have to get preliminary approval at least.

Ms. Montgomery said that she did not think it stopped any process. She said that the applicant would be able to go through the process.

Mr. Gaba said that if the zoning changes before he gets his approval, he's subject to the zoning change.

Ms. Montgomery said that she thought as long as he had an application in, he's o.k.

Mr. Gaba said that he was not sure about that and told Mr. Martin he would know in a couple of days.

Viletto Vaughn Hammond Corporation

Mr. Gainer said that at the Board's request, a Part 2 was prepared, which he went over with the Board. He said that there were a few things identified in the Part 3. Mr. Gainer said that it is a format that the Board and applicant has used before in terms of providing background, extent and scope of the project.

Mr. Merante said, so there are no specific items.

Mr. Gainer said that it identifies the specifics in terms of impact on land and water. He said that he and Mr. Watson had been through the document already and he found it acceptable and they've given the Board a draft Negative SEQRA Declaration.

Mr. Watson said that he thought they should note that all of the potential items have been identified as small to moderate, which normally doesn't require they be addressed. He said that the one thing that was kind of unusual, which he spoke to Mr. Gainer about, was noise and vibration during construction, and that resulted in a conversation they had and a recommendation that within the Resolution of Approval, they adopt a requirement that the applicant could limit outside construction activity to weekdays from 8 to 4, Saturdays from 8 to noon and no holidays.

Mr. Merante asked if the construction was also covered by Town ordinance.

Mr. Gaba said yes it is as far as noise goes...absolutely.

Mr. Watson said that he has spoken to his client with regard to that and he would be willing to accept that. He said that he thought the other things were truly minor.

Mr. Gainer said that the reason they had unplugged the issue on noise with construction issues is even recognizing that on the same site there is an adjacent residential activity, so they want to respect that in consideration of this.

Ms. Conner asked if there was any kind of smell associated with the smoker they plan to use.

Mr. Watson said that he couldn't answer that.

Mr. Merante asked if there were any further comments.

There were no further comments.

Mr. Gibbons made a motion to adopt a Negative Declaration (copy attached). Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Mr. Gaba said that incorporated in that is acceptance of Part 2 and Part 3 of the EAF.

Mr. Merante said that the Board had a Resolution.

Mr. Gainer said that there are two comments. Based on the public hearing and what was just discussed, there were two additions to the Resolution, which he'll put in under 2B. He said that one was to enhance the landscaping to the north of the pavilion for screening of the adjacent residential property to the north, and the other was adding on the plat the limitation on the hours of construction.

Ms. Doherty made a motion to adopt the Resolution as amended (copy attached). Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Leiner, Francis & Corbett

Ms. Conner recused herself from this application and left the table.

Mr. Merante asked Mr. Gainer if he had any comment.

Mr. Gainer said that he did not.

Mr. Merante asked if the Board had any comment.

The Board had no comment.

Mr. Gibbons made a motion to adopt a Negative Declaration (copy attached). The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	Recused
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Ms. Doherty made a motion to adopt the Resolution (copy attached) for final approval. Mr. Leonard seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	Recused
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Ms. Conner joined the table again.

The Berner Family

Mr. Gainer said that the Negative Declaration appears suitable. He said that he had some comments during the public hearing. One was the development of a formal access maintenance agreement for access for lot two over lot one. Another comment was resolution of any comment to be offered by Highway Superintendent relative to the site access intended. Mr. Gainer said that the third comment was identification on the plat of metes and bounds for the access easement.

Mr. Gaba said that the other thing with regard to the Resolution of Approval...the issue had been raised, he thought by Ms. Conner last time, regarding the deed restrictions. It says that you cannot have more than five houses all together. Mr. Gaba said that they looked into that and on the back of this particular application, he thought the appropriate thing to do would be to add a note to the plan, referencing the deed subject to deed restriction.

Mr. Gainer said that would be another condition.

Ms. Doherty made a motion to adopt a Negative Declaration (copy attached). Ms. Conner seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Mr. Gibbons made a motion to adopt the Final Subdivision Approval Resolution (copy attached) as amended. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Lyons/Ulmar Soil Mine – Route 9, Cold Spring: Discussion

Mr. Watson said that this application was before the Board well over a year ago. He said that it requires approval from the Town and approval from the State. Mr. Watson said that they agreed together that they would visit this when they had made more progress with the State. He said that as of this week, he spoke with the Land Mining Reclamation Specialist and he said that subject to a couple of points, they are ready to issue their permit. Mr. Watson said that the major issues they solved were the treatment of stormwater, etc., and siltation to Clove Creek near the entrance to the mine. He said that they re-designed that, moved the stormwater retention back, and put in some infiltrators under the roadway so they would minimize any impact on Clove Creek. Mr. Watson said that the basic plan had not changed in terms of its phasing and in terms of its drainage handling. He said that it will progress from the north to south in about seven phases. The first phase is obviously to build the access – there’s a temporary access through the applicants sister’s property. Mr. Watson said that he thought they were ready for the Board to take another look if it wished and start moving forward with its review. He said that the State was particularly thorough in terms of their demands, and they tried to meet all their demands and he thought they did, but at the end of it, the State was particularly positive about the reclamation plan with regard to the species that were chosen, with regard to the placement of the proposed reclamation plantings. Mr. Watson said that they addressed issues of traffic – they did a traffic study, they addressed issues of visibility of the project from Schofield Ridge from Route 9 as you drive by, they addressed drainage issues, and they addressed operational issues with regard to dust and noise. They did a very detailed noise study that’s incorporated into the application.

Mr. Meehan asked if the Board could take a look at the report that came out.

Mr. Watson said that they were submitted to the Board.

Ms. Conner asked Mr. Watson if he could distribute it electronically.

Mr. Watson said that he thought he could do that.

Mr. Merante asked if the Board thought a site visit was needed again.

Mr. Gibbons asked if this was going to be going through Horton Road at some point.

Mr. Watson and Mr. Gainer said no. Mr. Gainer explained that there was one proposal to consider that, but was no longer on the table.

Mr. Gibbons said that once soil mining begins, they'll be going in and out behind Moore Cement.

Mr. Watson said yes, they will be using Moore Cement for a limited amount of time, so they can approach building the road from the back. He said that allows them to contain the drainage and minimize any possibilities of spills onto Route 9. Mr. Watson said that once the road is open, that driveway will be closed off and they'll use the new entrance in and out.

Mr. Gibbons said that he would like to see it again. He asked if the Board would schedule the visit for when he is off.

The Board agreed to schedule a site visit for Sunday, November 7, 2010.

Garrison Station Plaza – 7 Garrison Landing, Garrison: Revised EAF

Mr. Gibbons recused himself from this application. He left the table.

Mr. Watson said that he reviewed Garrison Station Plaza with the Board last month to bring them up to date because it's been off the table for so long. He said that they had submitted the Part 3 of the EAF last month, which has been revised. They also submitted revised architectural plans – revised and incorporated into the EAF to respond to the criticisms from the Office of Parks, Recreation and Historic places. Mr. Watson said that the long and the short of it is that they gave them what they wanted. He said that in that sense, they feel they've mitigated that impact that they were concerned about and thought they were now ready for the Board's report.

Mr. Merante said that was the two actions taken on the building – the stucco and bay window.

Mr. Watson said that the bay window is going to remain, which was going to be taken out and the texture of stucco finish is going to remain and will be repaired.

Mr. Meehan asked if they had put in the septic system.

Mr. Watson said no, they can't put the septic system in until they have a Negative Declaration. Then, the Office of Parks, Recreation and Historical Places has to retort back to the DEC. DEC is ready to issue the permit so that Health Department can issue the permit and then they can put the septic system in.

Mr. Leonard made a motion to adopt the Negative Declaration (copy attached), accepting the Part 3 that's been submitted. Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante - In favor

Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	Recused
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Ms. Doherty made a motion to adopt the Resolution (copy attached). Mr. Meehan seconded the motion. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	Recused
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Mr. Gibbons joined the table again.

Constance Bakall – Approval of three-lot subdivision – 1212 East Mountain Road South: New submission

Mr. Watson said that this is an application to subdivide approximately twenty acres into three parcels containing about four acres or more each. He said that this property is the last property in Philipstown on the northwest side of East Mountain Road, just before you cross into the County line into Dutchess County. Mr. Watson said that he had a call from Mr. Gainer today and he wanted to point out a couple of errors. He said that it's partly in the Town of Kent and the Town of Kent clips the front of parcel one with an existing residence a little bit. They have a sliver of land along the frontage of the existing house that's in the Town of Kent, so he thought the Board would need to make a referral to the Town of Kent. Mr. Watson said that the new lots are totally within the Town of Philipstown. They each have the required buildable area and they each have a driveway. Mr. Watson said that Mr. Gainer pointed out that they identify the possible variance.

Mr. Gibbons asked if Mr. Watson said they needed a variance.

Mr. Watson said that he did not think they did.

Mr. Gainer said that it is shown on the EAF.

Mr. Watson said that he thought it was a mistake. He said that he would check.

Mr. Gainer said that he chatted with the Planning Board's attorney and it is understood that if it's a pre-existing condition, it's not a required variance. He said that it is an initial submittal to the Board, they've got preliminary comments from his office and he suggested they start the referral process, which should include the Town of Kent, Town of East Fishkill (if the Board wished) and they may wish to schedule a site inspection.

The Board agreed to visit the site on November 7, 2010 after the first two visits.

Ms. Conner said that there were only three neighbors who received notices and asked if that was possible.

Mr. Watson said that Ms. Bakall owns the land on the opposite side of the road, so he's surprised. He said that he'd have to check and they may have only given the Philipstown one. Mr. Watson said they'll correct that. He asked if the Board would hold a public hearing on this application in November.

Ms. Conner made a motion to schedule a public hearing for November 18, 2010. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Mr. Gibbons made a motion that the Board declare itself Lead Agency. The motion was seconded. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Correspondence

- Mr. Merante said that he had received correspondence with regard to training. He said that although there is no pressure, it was a good idea for the Board members, Mr. Gaba and Mr. Gainer to get training. Mr. Merante said that it's just four hours a year and he asked the Board and advisors to try to set some time between Thanksgiving and Christmas.

- Ms. Doherty asked what happened to the idea of having signs indicating an applicant/application is before the Board. She asked if the Town had to have a Local Law for that.

Ms. Montgomery said that the Town Board did not want it.

Ms. Doherty asked if the Town didn't want signs so that the neighbors would know about it.

Ms. Montgomery said right. She said that the signage issues present a whole host of other problems legally that they advised them on.

Several of the Board members argued that several towns do it.

Ms. Montgomery said, and several Towns don't do it.

- Mr. Merante said that with regard to some of the sites visited by the Board, it would be helpful to have balloons or something put out so that they could more easily locate the site. He asked Mr. Watson to help the Board with that.

Adjourn

Mr. Meehan made a motion to adjourn the meeting. Mr. Leonard seconded the motion. The meeting ended at 9:30 p.m.. The vote was as follows:

Anthony Merante	-	In favor
Kim Conner	-	In favor
Josephine Doherty	-	In favor
Michael Gibbons	-	In favor
Michael Leonard	-	In favor
Kerry Meehan	-	In favor
Pat Sexton	-	Absent

Respectfully yours,

Ann M. Gallagher

Note: These minutes were prepared for the Philipstonw Planning Board and are subject to review, comment, emendation and approval thereupon.

Date approved: _____